

Matthew Franklin Jaksa (CA State Bar No. 248072)
HOLME ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Telephone: (415) 268-2000
Facsimile: (415) 268-1999
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,
BMG MUSIC; UMG RECORDINGS, INC.;
SONY BMG MUSIC ENTERTAINMENT;
ARISTA RECORDS LLC; CAPITOL
RECORDS, INC.; and WARNER BROS.
RECORDS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BMG MUSIC, a New York general partnership;
UMG RECORDINGS, INC., a Delaware
corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; ARISTA RECORDS LLC, a
Delaware limited liability company; CAPITOL
RECORDS, INC., a Delaware corporation; and
WARNER BROS. RECORDS INC., a Delaware
corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 3:07-CV-04873-JSW

Honorable Jeffrey S. White

***EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND ~~PROPOSED~~ ORDER***

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for January 4, 2008, at 1:30 p.m. to April 4, 2008. As further explained below, there is
3 not yet a named defendant in this case, and Plaintiffs do not yet know the true identity of Defendant
4 John Doe ("Defendant").

5 Plaintiffs filed the Complaint against Defendant on September 20, 2007. Plaintiffs did not
6 have sufficient identifying information to name Defendant in the Complaint, but were able to
7 identify Defendant by the Internet Protocol address assigned to Defendant by Defendant's Internet
8 Service Provider – here, University of San Francisco ("USF"). Accordingly, also on September 20,
9 2007, Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery, seeking the
10 Court's permission to serve a Rule 45 subpoena on USF so that Plaintiffs could discover information
11 sufficient to identify Defendant. On October 9, 2007, this Court issued its Order Granting Plaintiffs'
12 *Ex Parte* Application for Leave to Take Immediate Discovery authorizing Plaintiffs to serve a Rule
13 45 subpoena on USF.

14 On November 30, 2007, USF responded to several subpoenas served by Plaintiffs in
15 conjunction with this case and other similar cases. However, USF did not provide Plaintiffs with
16 information permitting Plaintiffs to identify Defendant in this particular case. Since that time,
17 Plaintiffs have been in communication with USF and are attempting to determine whether USF
18 possesses further information that would allow Plaintiffs to identify Defendant. If Plaintiffs
19 determine that USF does not have such information, Plaintiffs will promptly file a notice of
20 dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41. If Plaintiffs are able to
21 identify Defendant, Plaintiffs will attempt to contact Defendant and attempt to resolve this dispute.

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1 However, because there is not yet a named defendant in this case and Plaintiffs do not yet
2 know Defendant's true identity, a case management conference is unnecessary at this time.
3 Plaintiffs therefore respectfully request that the Court continue the case management conference
4 currently set for January 4, 2008, at 1:30 p.m. to April 4, 2008.

5 Dated: December 21, 2007

HOLME ROBERTS & OWEN LLP

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7 By: /s/ Matthew Franklin Jaksa

8 MATTHEW FRANKLIN JAKSA
9 Attorney for Plaintiffs
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14 **ORDER**

15 Good cause having been shown:

16 **IT IS ORDERED** that the case management conference currently set for January 4, 2008, at
17 1:30 p.m. be continued to April 4, 2008.
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20 Dated: December 28, 2007

By: 

21 Honorable Jeffrey S. White
22 United States District Judge
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